IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 19638 of 2004

Between:

M/s Jubilee Hills International Center,

Jubilee Hills, Hyderabad-500 033,

rep. by its Joint Secretary Dr.R.Venkat Reddy. **..... PETITIONER**

AND

1.The Commercial Tax Officer,

Jubilee Hills Circle, Hyderabad.
2.The Appellate Deputy Commissioner (CT),

Punjagutta Division, Hyderabad.
3.The Additional Commissioner (CT) Legal,

A.P.Nampally, Hyderabad.
4.Bank of Baroda,

Jubilee Hills Branch, Hyderabad
rep. by its Branch Manager. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Certiorari or any other appropriate writ, order or direction quashing the order of the 3rd respondent dated 17.10.2003 as illegal, arbitrary and contrary to law and consequently restrain the 1st respondent from collecting disputed demand of Rs.5,25,483/- for the assessment year 1999-2000 pending disposal of the appeal before the 2nd respondent.

Counsel for the Petitioner: MR.S.DWARAKANATH
Counsel for the Respondent Nos.1 to 3: GP FOR COMMERCIAL TAX
Counsel for the Respondent No.4: None appeared.

The Court made the following :

ORDER: (PER Sri Bilal Nazki, J)

Heard learned Counsel for the parties. With their consent, the Writ Petition is being disposed of at this stage.

The controversy is that pending appeals, application for stay was dismissed by the competent authority. We have gone through the record. We feel that the interest of justice would have been met if stay was granted pending appeals, subject to deposit of half of the liability. Therefore, we set aside the order of the authority and the recovery shall remain stayed till disposal of the appeals. For four weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeals. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeals.

Writ Petition is disposed of accordingly. No costs.

(BILAL NAZKI, J)

27th October, 2004

(S.ANANDA REDDY, J)

Note:

Wire at party's costs

B/o

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Copy to:

1.The Commercial Tax Officer,

Jubilee Hills Circle, Hyderabad.
2.The Appellate Deputy Commissioner (CT)

Punjagutta Division, Hyderabad.
3.The Additional Commissioner (CT) Legal,

A.P.Nampally, Hyderabad.
4.The Branch Manager,

Bank of Baroda Jubilee Hills Branch,

Hyderabad
5.Two CCs to the G.P for Commercial Taxes,

High Court Buildings, High Court of A.P.,

Hyderabad (O.U.T)

6.Two CD copies.